IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4323 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ASHOK REVATMAL AGRAWAL

Versus

COMMISSIONER OF POLICE

Appearance:

1. Special Civil Application No. 4323 of 2001

MR ASHISH M DAGLI for Petitioner No. 1

Mr KC SHAH, A.G.P. for Respondents No. 1-3

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 06/10/2001

ORAL JUDGEMENT

1. By way of this petition the petitioner detenu has challenged the impugned order of detention dated 19.4.2001 passed by the Detaining Authority at Annexure :

A whereby the petitioner is detained under the provisions of Section 3(2) & 9(2) of the Prevention of Antisocial Activities Act.

2. The impugned order of detention is challenged on various grounds. One of them is that the impugned order of detention was passed on mere assumption and apprehension, that the petitioner is likely to file bail Application and likely to bail out and likely to continue his criminal activity after being released on bail. In case of AMRITLAL & ORS. v/s. UNION GOVERNMENT, reported in AIR 2000 SC 3675 the Hon'ble Supreme Court quashed such detention order. No Affidavit in Reply is filed so far by the respondents.

3. In view of the above, this petition is allowed. The impugned order of detention is hereby quashed and set aside. The petitioner - detenu is ordered to be released forthwith if not required in any other case. Rule made absolute accordingly.

sd/-

Date : October 06, 2001 (B.J.Shethna, J.)

sas